

13049 U.S. PTO  
121903

PATENT  
Attorney Docket No. 158264-0003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING APPLICATION UNDER 37 CFR 1.53(b)

EXPRESS MAIL LABEL No.: EV 330868932 US  
Date of Deposit: December 19, 2003

This is a request for filing a ☒ Continuation ☐ Division application  
under 37CFR 1.53(b) (Rule 53(b)) of prior pending application:

Inventor(s) : **Jeffrey A. Hubbell; Chandrashekh Pathak; Amarpreet S. Sawhney;  
Neil P. Desai; Syed F.A. Hossainy; Jennier Hill-West**  
Serial No. : **09/910,663**  
Filed : **July 19, 2001**  
Art Unit : **1714**  
Examiner : **Szekely, Peter**  
For : **GELS FOR ENCAPSULATION OF BIOLOGICAL MATERIALS**

17497 U.S. PTO  
10/743687  
121903

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. **COPY OF PRIOR APPLICATION**

Attached is a true copy of the prior application as originally filed, including:

- ☒ Abstract, 1 pgs.
- ☒ Specification and claims as originally filed (.87 pgs.)
- ☒ Signed declaration or oath as originally filed
- ☒ Sheets of Drawings: 22 page(s) ☐ Informal ☒ Formal
- ☒ Power of Attorney and Revocation of Previous Powers By Assignee
- ☒ Information Disclosure Statement

2. **STATEMENT OF INVENTORSHIP**

This Rule 53(b) application discloses and claims only subject matter disclosed in the prior application whose particulars are set out above and the inventors in this application are:

- ☒ the same
- ☐ less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this Rule 60 application:

1. \_\_\_\_\_ 2. \_\_\_\_\_

CERTIFICATE OF MAILING  
(37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
EV 330868932 US

Express Mail Label No.

December 19, 2003

Date of Deposit

Connie Kwon

Name of Person Mailing Paper

Connie Kwon  
Signature of Person Mailing Paper

3. **RELATE BACK – 35 U.S.C. 120**

☒ Relate back information included in preliminary amendment or specification.

☐ Please amend the specification as follows:

[Enter continuing data here]

4. **PRIORITY CLAIM**

☐ Priority is hereby claimed under 35 U.S.C. 119/365 based on prior foreign application(s) No(s):

filed in (country) \_\_\_\_\_ on \_\_\_\_\_; and  
in (country) \_\_\_\_\_ on \_\_\_\_\_, respectively.

☐ Certified copy/copies is/are attached.

☐ Certified copy/copies already filed on  
in prior U.S. application, Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.

5. **ASSIGNMENT**

☒ The prior application is assigned of record to: Board of Regents of the University of Texas System

☐ Attached is an assignment to: \_\_\_\_\_.

6. **SMALL ENTITY STATUS**

☐ The Applicant claims Small Entity Status under Rules 9 and 27:

- ☐ has been filed in parent application and such status is still proper and desired (37CFR 1.28(a)).  
☐ is filed herewith.

7. **MAINTENANCE OF CODEPENDENCY OF PRIOR APPLICATION**

☒ Petition and fee to extend the life of the copending prior application to 09/910,663

- ☒ is being concurrently filed in that prior application.  
☐ was previously filed in that prior application.  
☐ is not necessary.

8. **POWER OF ATTORNEY**

☒ The power of attorney in the prior application is to IRELL & MANELLA LLP.

☒ The power appears in the original papers of the prior application.

☐ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

☐ Recognize as associate attorneys:

☒ Please send all correspondence to Customer Number 29000:



IRELL & MANELLA LLP  
Suite 900  
1800 Avenue of the Stars  
Los Angeles, CA 90067-4276  
Telephone: (310) 277-1010  
Facsimile: (310) 277-7199

Please direct all inquiries to Carol A. Schneider, at the above customer number.

9. **AMENDMENT**

☐ For the purpose of reducing the filing fee per MPEP 506 and 607, please enter the following claim cancellations before calculating the filing fee (do not cancel all claims) FIRST PRELIMINARY AMENDMENT:

☒ Preliminary amendent attached.

10. **FEE CALCULATION**

**THE FOLLOWING FILING FEE IS BASED ON CLAIMS  
REMAINING AFTER ENTRY OF PRELIMINARY AMENDMENT  
PER MPEP § 506 AND § 607**

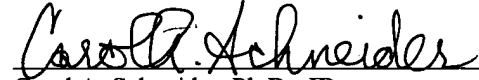
	<b>Basic Filing Fee</b>	<b>\$770.00</b>
Total Effective Claims <u>1</u> - 20 = <u>0</u> x \$18.00		<b>0.00</b>
Independent Claims <u>1</u> - 3 = <u>0</u> x \$86.00		<b>0.00</b>
If any <u>proper</u> multiple dependent claim (ignore improper) is present, add \$290.00		<b>0</b>
	<b>Subtotal</b>	<b>770.00</b>
If Small Entity claim is present, enter one-half (1/2) of subtotal and <u>subtract.</u>		<b>- 0.00</b>
	<b>Total Filing Fee</b>	<b>\$770.00</b>

Please charge Irell & Manella's Deposit Account No. 09-0946 in the amount of \$770.00.

No additional fees are believed to be due. An extension of time has been requested by separate paper in the parent application 09/910,663, making the parent application copending with this continuation application. Please charge any required petition fees, and any other fees, except for payment of the issue fee, and charge any underpayment or credit any overpayment during the prosecution of this application to our **Deposit account No. 09-0946**.

Respectfully Submitted,

Dated: December 19, 2003



Carol A. Schneider, Ph.D., JD.  
Registration No. 34,923

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